For the eyes of William W. Turner

August 27, 1967

Dear Pete:

I assume you already are apprised of my letter of August 22 to Stephen Potter. Lest you misconstrue my comments in its first paragraph — that I have decided to resolve my dilemma in favor of the views expressed by Mr. Potter in his letter to me of August 15 — I should tell you that the reasons prompting my decision not to inform the appellate court of the issues raised in my communication were in no way predicated on agreement with his basis for those views. I agree only with their essence, that it should not be done, and I couldn't care less at this stage if raising the issue might "confuse" the matter now on appeal. I didn't elaborate on this to Mr. Potter because I thought he might take it as an insult to his professional standing, which it is not.

Although his views show a sound knowledge of the law and legal theory applicable to my predicament, that is, what would seem the best approach in consonance with the law as it is written and how it is supposed to function in practice, they also indicate a naivety as to how the law does in fact function in cases involving a national interest. I do not intend this opinion as an affront to your friend's status. It is the exception rather than the rule to find an attorney who has not been blinded by academic conditioning or hoodwinked by neat court decisions suited only to the occasion. Those who have not been misguided, it would seem, are no longer devoting their efforts to the realm of criminal law. Our jails, prisons and mental institutions house a good share of people who are there simply because the law as it is promulgated either failed to function properly or was deemed inapplicable to them for cause never cited in the open record. Guilt, innocence, insanity, or soundness of mind had little to do with their convictions and commitments, as did the evidence presented at their hearings. One must spend some time on the receiving end of our judicial system in order to appreciate and accept what I have just stated as fact. So, I shan't dwell on the premise further. But please remember, Peter, I have been situated on both sides of the fence.

Hence, you may perceive the main reason for my decision, despite what was meant to be the polite wording of my letter to Mr. Potter. It is going to take a lot more than registering a complaint with the appellate court to get my freedom or a new trial at which I can testify without fear of reprisal. It is going to require much more than the "substantial legal aid that the future might dictate," adequate funds or the "right" lawyers.

So, as the man once wrote: What Is To Be Done??? Well, frankly, I don't know. I know the validity of what I have already written and the fact that there is absolutely nothing I, myself, can accomplish from the confines of Leavenworth. I suspect that there are others who are quite cognizant of this fact too. I don't think I can count on any real assistance from my dear sister, Eleanore, either. She is a staunch Republican and "conservative (voted for Barry Goldwater in 1964)," and seems afraid of taking any action which might taint her precious Good-Citizen-Patriotic reputation. Since January 1964, when the Federal Fuzz first interviewed her about me — placing her under oath and swearing her to secrecy — she has been shitting little green apples lest the truth come out concerning "the former valiant soldier who became so completely altered, etc., etc."

Perhaps the not-so-oblique reference contained in your letter of August 23 would provide the solution or at least disrupt any plans to salt me away permanently in some nuthouse. One thing, however, is certain: Any effort in that respect would be with my blessings, one-hundred percent, though they would out of necessity have to be directed à la izquierda since the sum of things as I know them [illegible] generally speaking, as were the persons who were making the [illegible] that the poor fool (rhymes with ghoul and tool) left holding the bag [illegible] to be, was supposed to perform his two [illegible] solamente, though [illegible]

*Sometime during March ~~and~~ or April 1964 (exact date unknown), petitioner caused a letter to be mailed, addressed to the American Civil Liberties Union, [illegible], which requested its assistance. The letter contained the information that petitioner had knowledge of a conspiracy to murder President Kennedy prior to his death at Dallas, but that he was in effect being held incommunicado. Petitioner never received an answer to his letter.

Also at sometime during the same period (exact date [illegible]), petitioner sent a letter through private channels to [illegible] Counsel for the Warren Commission, then conducting an inquiry into the assassination of President Kennedy. Petitioner offered to testify before the commission, but never received any response to his letter.

Δ On May 1, 1964, two days prior to the trial, petitioner was visited by both counsel who attempted to persuade him to submit to an indefinite commitment to the U.S. Medical Center for Federal Prisoners in lieu of standing trial. Mr. Calamia advised that he had spoken to the district court judge about this and that the judge said he would agree to such a commitment providing petitioner did not object. Mr. Callies stated that petitioner was going to be tried before a "blue-ribbon jury," and that he would be convicted, because, as Mr. Callies put it, "They'll think anybody who walks into a bank with a gun intends to rob it," or words similar and to that effect. An explanation of the reasons both counsel employed to convince petitioner he should submit to such a commitment in lieu of standing trial would only be repetitive and superfluous. Petitioner informed counsel that he wanted to stand trial, that he had just been found medically competent to stand trial, and that counsel knew he was "being framed".

On May 3, 1964, the day before the trial, both counsel, accompanied by an El Paso psychiatrist (Dr. Manuel Hernandez) who had examined petitioner previously, again visited the jail. Mr. Calamia stated that he was going to hold a sanity hearing "tomorrow" and that he intended to show petitioner was not mentally competent to stand trial. Whereupon, petitioner became angry and said to Dr. Hernandez, "I thought you told me you thought I was competent to stand trial?" Dr. Hernandez replied, "You are," but that it was [illegible] of petitioner being sent to either a hospital or prison, and that he thought [illegible] between a hospital and a prison. Petitioner exclaimed there was no difference [illegible] Mr. Calamia, "You can have your sanity hearing," but [illegible] he was not insane. Both counsel and Dr. Hernandez then left the jail [illegible] one hour later all three returned. Whereupon, Mr. Calamia stated to petitioner that he would not try to show that petitioner was "not competent to stand trial," that he (Mr. Calamia) needed petitioner's cooperation on the defense of insanity, but that he would stand trial as scheduled. Mr. Calamia stated that they had only been "testing" petitioner.

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* Immediately prior to the selection of the jury a brief sanity hearing was held at which petitioner was adjudicated mentally competent to stand trial.